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09/517,419	03/02/2000	Joseph E. Nelson		4393

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06/25/2002

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EXAMINER

LINZEY, DAVID

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 06/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/517,419

Applicant(s)

NELSON ET AL.

Examiner

David Linzey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

1. This application has been reviewed. Original claims 1 – 15 are pending.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The meaning of “associating” a response to the long package is not clear. Examiner cannot be certain from the specification or the claims what steps encompass associating.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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**3. Claims 6, 7, 10, 12 and 13 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Tengal et al. U.S. Patent 5,940,812.**

As per claim 6, Tengal discloses a system for loan application comprising; a loan application terminal comprising a loan application form to be completed by a borrower and further comprising an electronic request is form for requesting credit bureau information about the borrower (col. 4 lines 53 – 64 and col. 8 line 66 – col. 9 line 22);

a network connected to the loan application terminal; a loan application server connected to the loan application terminal over the network for receiving the loan application form and the request for credit information ( col. 4 line 65 – col. 5 line 11);

the server further comprising instructions for requesting the credit information electronically from the plurality of credit bureaus and receiving the credit information over the network (Tengal col. 8 line 66 – col. 9 line 22);

the server further comprising instructions for assembling the loan application form together with the credit information to form a loan package and for submitting the loan package to a plurality of lenders over the network (col. 9 lines 11 – 22).

As per claim 7, Tengal teaches the server comprises instructions for receiving offers from lenders desiring to lend money to the borrow and for conveying the offers from the lenders to the borrower (Tengal col. 9 lines 23 – 31).

As per claim 10, Tengal teaches a system for loan application wherein the network is the internet (Tengal col.4 line 65 - col. 5 line 2).

As per claim 12, Tengal teaches a system for loan application wherein the network is an intranet (col. 8 lines 1 – 16).

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As per claim 13, Tengal teaches a system for loan application wherein the server further comprises instructions for permitting the borrower to identify credit references of interest (col. 9 lines 1 – 10).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**4. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tengal et al. in view of <http://www.ique.com/mergew.htm> and further in view of Andersen et al. U.S. Patent 5,774,883.**

Tengal discloses a method for loan application comprising:

completing an electronic loan application form on a loan application terminal, the loan application terminal connected to a loan application server (col. 7 lines 6 – 19);

requesting a credit report via the loan application terminal (col. 8 line 66 – col. 9 line 10);

creating a loan package comprising the electronic loan form, the credit report, and the electronic copy of the supporting documents (col. 8 line 66 – col. 9 line 22); and submitting the loan package electronically to a plurality of lenders (col. 2 lines 52 – 58).

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Tengel does not directly disclose parsing the credit references in a user-configurable manner or scanning. A software package is mentioned in Tengal called SMART.ALX discloses parsing. The website <http://www.ique.com/mergew.htm> discloses that this software includes;

receiving the credit report comprising credit references and parsing the credit references in a user-configurable manner (<http://www.ique.com/mergew.htm> - Page 3);

Andersen discloses a system comprising;

assembling and scanning supporting documents from a borrower for a loan to create an electronic copy of the supporting documents (col. 9 lines 48 – 55);

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Tengal to include the parsing of <http://www.ique.com/mergew.htm> and the scanning of Andersen to allow the credit report to be sorted and manipulated for easier viewing and to help input the information for the completion of the application.

As per claim 2, Tengal discloses a method for a loan application comprising;

receiving electronic offers from the plurality of lenders at the loan application terminal; and electronically submitting the offers to the borrower for selection (tengel col. 9 lines 55 - 59).

5. **Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tengal et al. as in claim 1 above and in view of <http://www.ique.com/mergew.htm> and further in view of Andersen et al. and *Novastar Financial, Inc. Announces On-Line Automated Loan Origination and Approval As Fannie Mae Seller/Servicer*, June 16, 1999.**

See the disclosures of Tengal in claim 1 above. Tengal does not disclose a credit dispute process. Novastar discloses a method for loan application and credit correction comprising:

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the borrower deciding to dispute a credit reference; the borrower designating electronically those credit references to be disputed; the borrower designating to the loan application server electronically the reason for disputing the credit reference; the loan application server automatically generating a dispute communication relating to the credit reference (Novastar - Paragraph 3).

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Tengel to include the parsing of <http://www.ique.com/mergew.htm>, the scanning of Andersen, and the credit dispute procedure of Novastar to;

1. allow the credit report to be sorted and manipulated for easier viewing
2. help input the information for the completion of the application and
3. correct credit reports for better loan opportunities.

**6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tengel et al. in view of <http://www.ique.com/mergew.htm> and further in view of Dykstra et al. U.S. Patent 5,611,052.**

Tengel discloses requesting credit information from a plurality of credit bureaus and receiving credit information electronically from the plurality of credit bureaus (col. 9 lines 1 – 10 and Fig. 2A - 208). Tengel does not disclose parsing or configuring credit information. Dykstra discloses a loan application system comprising parsing the credit information into categories in a database (col. 5 lines 39 – 49). The SMART.ALX product discloses configuring the credit information in the database according to user definable parameters (<http://www.ique.com/mergew.htm>). It would have been obvious to one skilled in the art at the

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time the invention was made to modify the teachings of Tengel to include the parsing of <http://www.ique.com/mergew.htm> and the database of Dykstra to allow the credit report to be sorted and manipulated for easier viewing and to store the information in a manipulative format for later use.

**7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tengel et al. in view of Dykstra et al.**

Tengel is discussed in claim 6 above. Tengel does not disclose parsing. Dykstra discloses a method comprising instructions for parsing the received credit information into a database and for displaying the parsed credit information according to user-definable parameters (dyk col. 5 lines 39 – 58). It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Tengel to include the parsing into the database of Dykstra to allow the data to be stored and manipulated into a desirable format for the future.

**8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tengel et al. in view of <http://www.ique.com/mergew.htm>.** Tengel is discussed in claim 6 above. Tengel does not disclose formatting credit information. The SMART.ALX software on the website <http://www.ique.com/mergew.htm> discloses a system for loan application and credit correction wherein the server further comprises instructions for displaying to a borrower a narrative version of the received credit information (<http://www.ique.com/mergew.htm>). It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of



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Tengel to include the display features of <http://www.ique.com/mergew.htm> to allow the user to change the credit information to a more comfortable format.

**9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tengal et al.**

Tengel is discussed in claim 6 above. Tengal does not disclose a wireless network. However, the kind or type of item is not a test for inventive step. It would have been obvious to one skilled in the art to modify the system of Tengal to include a wireless network to make the system more mobile.

**10. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tengal et al. in view of *Novastar Financial, Inc. Announces On-Line Automated Loan Origination and Approval As Fannie Mae Seller/Service*, June 16, 1999.**

As per claim 14, Tengal is discussed in claim 13 above. Tengal does not disclose credit dispute resolution. The Novastar press release discloses a system wherein the server further comprises instructions for allowing the borrower to designate those credit references that the borrower wishes to dispute (Novastar - Paragraph 3). It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Tengal to include the dispute resolution of Novastar to conveniently dispute credit reports.

As per claim 15, Tengal is discussed in claim 14 above. Tengal does not disclose credit dispute resolution. The Novastar press release discloses a system wherein the server further comprises instructions for presenting to the customer options for explaining and disputing the inaccurate credit references, for generating letters to the credit bureaus based upon the dispute

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option selected by the borrower (Novastar - Paragraph 3). It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Tengel to include the dispute resolution of Novastar to conveniently dispute credit reports.

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

<http://www.e-novastar.com/> discloses a system for loan applications.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Linzey whose telephone number is 703-305-4570. The examiner can normally be reached on M - F 8-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millen can be reached on 703-308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

DL  
May 17, 2002

